ORIGINAL

AO 440 (Rev. 10/93) Summons in a Civil Action - SDNY WEB 4/99

L3-5

United States District Court

Southern DISTRICT OF New York

CADWALADER, WICKERSHAM & TAFT LLP,

SUMMONS IN A CIVIL CASE

V.

CASE NUMBER:

05 CV 4244

ONEBEACON AMERICA INSURANCE COMPANY, SEATON INSURANCE COMPANY and CAVELL USA INC.,

Judge Berman

TO: (Name and address of defendant)

See Attached Rider

FILED U.S. DISTRICT COURT 2005 MAY -6 PM 12:44 S.D. OF N.Y.

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

John F. Finnegan, Esq.
CADWALADER, WICKERSHAM & TAFT LLP
One World Financial Center
New York, NY 10281

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON
CLERK

APR 28 2005
DATE

Jessica Doss
(BY) DEPUTY CLERK

RIDER

Name and Addresses of Defendants:

OneBeacon America Insurance Company
One Beacon Street
Boston, MA 02108

Seaton Insurance Company
10 Dorrance Street
Suite 501
Providence, RI 02908

Cavell USA Inc.
2 Central Square
Cambridge, MA 02139-3311

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

Index No. 05CV4244

Caldwalder, Wickersham & Taft, LLP

, Plaintiff(s)

- against -

OneBeacon America Insurance Company, Seaton Insurance Company and Cavell USA Inc.

, Defendant(s)

State of Massachusetts)
) SS.:
County of Suffolk)

AFFIDAVIT OF SERVICE

Geroge Hebert being duly sworn, deposes and says that he is over the age of 18 years; is not a party to this action and resides within the State of Massachusetts. That on 05/03/2005 at 10:55 AM at:

Cavell USA Inc.
2 Central Square
Cambridge MA 02139

Deponent served the:

Summons In A Civil Case and Complaint
Individual Practices of Hon. Richard M. Berman
Individual Practices Of Magistrate Judge Ronald L. Ellis

on Cavell USA Inc.

a domestic and/or foreign corporation by delivering thereat true copies to Pam Hoelisken personally, deponent knew said corporation so served to be the corporation, described in same as said recipient and knew said individual to be the Managing Agent and who stated that they were authorized to accept service thereof.

Deponent describes the individual served as follows:
AGE: 50 HEIGHT: 5'7'' WEIGHT: 150 HAIR: BLONDE RACE: WHITE SEX: FEMALE

SWORN TO BEFORE ME

MANUEL E. GUERRERO
Notary Public
Commonwealth of Massachusetts
My Commission Expires
November 24, 2011

Geroge Hebert License #

OUR DOC# 8232
Cadwalader Wickersham & Taft
1 World Financial Center
New York NY 10281
212-504-6413

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK
Index No. 05CV4244

Caldwalder, Wickersham & Taft, LLP

, Plaintiff(s)

- against -

OneBeacon America Insurance Company, Seaton Insurance Company and Cavell USA Inc.

, Defendant(s)

4

State of Massachusetts)
) SS.:
County of Suffolk)

AFFIDAVIT OF SERVICE

Geroge Hebert being duly sworn, deposes and says that he is over the age of 18 years; is not a party to this action and resides within the State of Massachusetts. That on 05/03/2005 at 9:06 AM at:

OneBeacon America Insurance Company
One Beacon Street
Boston MA 02108

Deponent served the:

Summons In A Civil Case and Complaint
Individual Practices of Hon. Richard M. Berman
Individual Practices of Magistrate Judge Ronald L. Ellis

on OneBeacon America Insurance Company

a domestic and/or foreign corporation by delivering thereat true copies to Bobbi DiMattia personally, deponent knew said corporation so served to be the corporation, described in same as said recipient and knew said individual to be the Managing Agent and who stated that they were authorized to accept service thereof.

Deponent describes the individual served as follows:
AGE: 57 HEIGHT: 5'2'' WEIGHT: 110 HAIR: BROWN RACE: WHITE SEX: FEMALE
OTHER: glasses

SWORN TO BEFORE ME

MANUEL E. GUERRERO
Notary Public
Commonwealth of Massachusetts
My Commission Expires
November 24, 2011

Geroge Hebert License #

OUR DOC# 8231
Cadwalader Wickersham & Taft
1 World Financial Center
New York NY 10281
212-504-6413

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

Index No. 05 CV 4244

Cadwalader, Wickersham & Taft LLP

, Plaintiff(s)

- against -

OneBeacon America Insurance, Seaton Insurance Company and Cavell USA Inc.

, Defendant(s)

State of New York)
) SS.:
County of New York)

AFFIDAVIT OF SERVICE

Xavier Mendez being duly sworn, deposes and says that he is over the age of 18 years; is not a party to this action and resides within the State of New York. That on 05/02/2005 at 1:30 PM at:

The New York State Department of Insurance
25 Beaver Street
New York, New York 10004

Deponent served the annexed:
Summons In A Civil Case and Complaint
Individual Practice Rules of Hon. Richard M. Berman
Individual Practice Rules of Hon. Ronald L. Ellis

on OneBeacon America Insurance

a domestic, common, foreign, or alien insurer (including a fraternal benefits society) by delivering true copies to the superintendent, a deputy superintendent or a salaried employee of The Department of Insurance of the State of New York, whom said Superintendent has designated such purpose. The name of the person served was: Connie Cooper Whom the deponent describes as follows:

AGE: 50 HEIGHT: 5'7'' WEIGHT: 150 HAIR: BLONDE RACE: BLACK SEX: FEMALE

At time of such service, deponent also delivered a $40.00 check made payable to the Superintendent of Insurance to the aforementioned agent.

SWORN TO BEFORE ME 05/03/05

Xavier Mendez License #1141329
OUR DOC# 8243
Cadwalader Wickersham & Taft
1 World Financial Center
New York NY 10281
212-504-6413

BEN COHEN
Notary Public, State of New York
No. 01C06122977
Qualified in Kings County
Commission Expires 02/28/2009

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

Index No. 05CV4244

Caldwalder, Wickersham & Taft, LLP

, Plaintiff(s)

- against -

OneBeacon America Insurance Company, Seaton Insurance Company and Cavell USA Inc.

, Defendant(s)

15

State of Rhode Island)
) SS.:
County of Providence)

AFFIDAVIT OF SERVICE

Paul Hughes being duly sworn, deposes and says that he is over the age of 18 years; is not a party to this action and resides within the State of Rhode Island. That on 05/02/2005 at 4:00 PM at:

Seaton Insurance Company
180 South Main Street
Providence RI 02908

Deponent served the:

Summons In A Civil Case and Complaint
Individual Practices of Hon. Richard M. Berman
Individual Practices of Magistrate Judge Ronald L. Ellis

on Seaton Insurance Company

a domestic and/or foreign corporation
by delivering thereat true copies to John J. Partridge Esq.
personally, deponent knew said corporation so served to be the corporation, described in same as said recipient and knew said individual to be the Registered Agent and who stated that they were authorized to accept service thereof.

Deponent describes the individual served as follows:
AGE: 65 HEIGHT: 6'3'' WEIGHT: 185 HAIR: GREY RACE: WHITE SEX: MALE

Paul Hughes License #.

SWORN TO BEFORE ME May 4, 2005

Linda G. Hughes
LINDA G. HUGHES
Notary Public ID # 51407
State of Rhode Island and Providence Plantations
My Commission Expires May 5, 2007

OUR DOC# 8233
Cadwalader Wickersham & Taft
1 World Financial Center
New York NY 10281
212-504-6413

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

Index No. 05 CV 4244

Cadwalader, Wickersham & Taft LLP

, Plaintiff(s)

- against -

OneBeacon America Insurance, Seaton Insurance Company and Cavell USA Inc.

, Defendant(s)

State of New York)
) SS.:
County of New York)

AFFIDAVIT OF SERVICE

Xavier Mendez being duly sworn, deposes and says that he is over the age of 18 years; is not a party to this action and resides within the State of New York. That on 05/02/2005 at 1:30 PM at:

The New York State Department of Insurance
25 Beaver Street
New York, New York 10004

Deponent served the annexed:
Summons In A Civil Case and Complaint
Individual Practice Rules of Hon. Richard M. Berman
Individual Practice Rules of Hon. Ronald L. Ellis

on Seaton Insurance Company

a domestic, common, foreign, or alien insurer (including a fraternal benefits society) by delivering true copies to the superintendent, a deputy superintendent or a salaried employee of The Department of Insurance of the State of New York, whom said Superintendent has designated such purpose. The name of the person served was: Connie Cooper Whom the deponent describes as follows:

AGE: 50 HEIGHT: 5'7'' WEIGHT: 150 HAIR: BLONDE RACE: BLACK SEX: FEMALE

At time of such service, deponent also delivered a $40.00 check made payable to the Superintendent of Insurance to the aforementioned agent.

SWORN TO BEFORE ME 05/03/05

Xavier Mendez License #1141329
OUR DOC# 8244
Cadwalader Wickersham & Taft
1 World Financial Center
New York NY 10281
212-504-6413

BEN COHEN
Notary Public, State of New York
No. 01C06122977
Qualfied in Kings County
Commission Expires 02/2[illegible] [illegible]009